IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ROBERT W. JOINER,)
Plaintiff,))
v.) Case No. 3:09-0085
	Judge William J. Haynes, Jr.
EMBRAER AIRCRAFT)
MAINTENANCE SERVICES, INC.,	JURY DEMANDED
)
Defendant.)

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF PLAINTIFF'S SECOND EEOC CHARGE OF DISCRIMINATION

Defendant Embraer Aircraft Maintenance Services, Inc. ("EAMS"), moves the Court *in limine* to instruct Plaintiffs not to refer to, interrogate concerning, attempt to offer into evidence, or convey to the jury in any manner, either directly or indirectly, any testimony, evidence or information of any kind relating to the Charge of Discrimination he filed against EAMS on or about August 18, 2010, with the U.S. Equal Employment Opportunity Commission. Such evidence is irrelevant as a matter of law because it does not make resolution of the issue here — whether EAMS retaliated against Plaintiff in February 2008 — more or less likely. Even if such evidence is legally relevant, which it is not, the probative value of the proposed evidence is substantially outweighed by the danger of unfair prejudice under Rule 403. Accordingly, the evidence is inadmissible under Fed. R. Evid. 402 and 403.

The grounds for this motion are more completely set forth in the accompanying memorandum of law filed contemporaneously herewith.

This motion is DENIED Do moreh

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